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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

NEWVILLE, TONI E

ART UNIT

PAPER NUMBER

3671

DATE MAILED: 04/12/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/765,563

Applicant(s)

STREET, BENJAMIN A.

Examiner

Toni Newville

Art Unit

3671

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 March 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5, 7-14 and 17-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5, 7-14, and 17-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Objections

1. Claim 8 is objected to because of the following informalities: the limitation "blade" recited in line 2 should be changed to "implement". Appropriate correction is required.
2. Claims 20 and 21 are objected to because of the following informalities: the limitation "male connector" recited in line 18 of claim 20 and lines 4-5 of claim 21 should be changed to "male coupler". Appropriate correction is required.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-5, 7, 20, 21, 24 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Godbersen, US 5950735, in view of Smith, US 2228490.

Regarding claim 1, Godbersen discloses a grooming vehicle (Fig. 1) comprising:

- A frame (21) inherently supported for movement by a plurality of ground engaging wheels, where at least some of the wheels are driven to allow the frame to be self-propelled since the device is disclosed as a tractor;

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- A support (22 and plating structure extending below 22) on which a wheel is rotatably connected; and
- A ground grooming implement (23) carried on the support of wheel;
- A vertically movable linkage (29, 31, 33) mounted on and carried by the wheel support with the linkage (29, 31, 33) extending between and connecting the implement (23) to the wheel support to allow the implement (23) to be raised and lowered relative to the wheel support by raising and lowering the linkage (column 5 lines 12-17); and
- A powered actuator (31) mounted on and carried by the front wheel support with the actuator (31) being connected to the movable linkage (29, 31, 32, 33) for raising and lowering the linkage to thereby raise and lower the implement relative to the front wheel support.

Godbersen fails to disclose the frame being supported for movement by two rear wheels and a steerable front wheel, the steerable front wheel being rotatably journally about a vertical pivot axis to pivot the front wheel from side to side.

Like Godbersen, Smith discloses a grooming vehicle having an implement attachment frame. Unlike Godbersen, Smith discloses the front wheel (13) being steerable and being rotatably journalled (about axis 14) to pivot the front wheel from side to side, the implement (32) pivoting with the front wheel about the vertical pivot axis.

Given the suggestion in Smith, it would have been obvious to one of ordinary skill in the art to attach the support, linkage and implement of Godbersen to a steerable front wheel, the support extending to the distal end of both wheels (Smith; 13) of Smith for attachment of the linkage thereto, to allow the implement (Godbersen; 23) to pivot about a vertical axis, thereby increasing the precision with which a tract of land can be groomed.

Regarding claim 2, Godbersen discloses the vertically movable linkage (29, 31, 32, 33) comprises a four bar linkage (Fig. 1).

Regarding claim 3, the four bar linkage (29, 31, 32, 33) of the combination is pivotally connected at one end to the front wheel support (Godbersen; Fig. 1).

Regarding claim 4, Godbersen discloses the four bar linkage is pivotally connected at another end to the implement (23) through a quick attachment (column 5 lines 12-17).

Regarding claim 5, Godbersen discloses the quick attachment is A-shaped (Fig. 4).

Regarding claim 7, Godbersen discloses a grooming vehicle as described above regarding claim 1, but fails to disclose the implement (23) comprising a bulldozer blade for pushing granular material.

Like Godbersen, Smith discloses a grooming vehicle for attachment of an implement (32). Unlike Godbersen, Smith discloses the implement (32) being a blade capable of pushing granular material (Fig. 1).

Given the suggestion in Smith, it would have been obvious to one of ordinary skill in the art to make the implement of Godbersen a blade capable of pushing granular material as taught in Smith because blades for pushing granular material are well known in the attached implement arts to allow for beach or golf trap grooming.

Regarding claim 20, Godbersen and Smith disclose a combination of grooming vehicles as described above regarding claims 5 and 7. Godbersen further discloses the support including a pair of downwardly extending legs (Fig. 1, extending down from 22) that are spaced apart more than the width of the wheel such that the legs straddle the wheel, and further discloses the linkage (29, 31, 32, 33) for connecting the A-shaped male coupler (34) to the frame includes at least one bar pivotally connecting each side of the male connector to one of the downwardly extending legs of the wheel support (Fig. 1).

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Regarding claim 21, Godbersen further discloses the linkage (29, 31, 32, 33) is a pivotal four bar linkage in which a pair of parallel bars (31, 33) pivotally connect each of the downwardly extending legs of the wheel support to the male coupler (34).

Regarding claim 24, Godbersen and Smith disclose a combination of grooming vehicles as described above regarding claim 20, but fail to disclose a second quick attachment being provided on a rear of the frame.

Like the combination, Godbersen discloses a grooming vehicle, including a quick attachment mounted thereon. Unlike the combination, Godbersen further discloses the quick attachment being mounted to the rear of the frame, the quick attachment being of like kind and size as that of the combination.

Given the suggestion in Godbersen, it would have been obvious to one of ordinary skill in the art to mount a second quick attachment on the rear of the frame in the combination as taught in Godbersen to prevent the grooming vehicle from leaving wheel tracks after a grooming operation.

Regarding claim 25, the limitations therein are described above in the rejection of claims 24 and 7.

5. Claims 8-10, 12-14, 17-19, 22 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Godbersen, US 5950735, in view of Smith, US 2228490, as applied to claim 2 above, and further in view of Curtis, US 6145222.

Regarding claims 8-10, 22, and 23, Godbersen and Smith disclose a combination of grooming vehicles as described above, including an implement (Godbersen; 23). The combination fails to disclose the implement (23) being spring biased against pivoting about the substantially horizontal axis relative to the four bar linkage (Godbersen; 29, 31, 32, 33) into a generally upright orientation.

Like the combination, Curtis discloses a grooming assembly (10) for mounting to a vehicle, the grooming assembly mounting an implement (Fig. 2). Unlike the combination, Curtis discloses the blade pivoting about a horizontal axis and being spring biased into a generally upright orientation, the pivoting about the substantially horizontal axis being against the spring bias (column 4 lines 22-26) (claims 8, 9 and 22). Curtis further discloses a lock for locking the blade against pivoting about the substantially horizontal axis (column 4 lines 17-20) (claims 10 and 23).

Given the teaching in Curtis, it would have been obvious to one of ordinary skill in the art to make the implement of the combination (Godbersen; 23) urged into an upright position by having its pivoting about a horizontal axis be against a spring bias, the spring attached generally between 48 and 27 in Godbersen and allowing pivotal movement relative to the female coupler (Godbersen; 36), so as to maintain the implement (Godbersen; 23) in an upright position during movement over ground.

Regarding claim 12, Godbersen, Smith, and Curtis disclose a device as described above regarding claim 9. Curtis further discloses the springs (84) connected between a blade and an attachment being arranged such that pivoting of the blade is opposed by the bias of the spring (84) when the bottom of the blade pivots rearwardly, as is inherently in the properties of springs. Curtis further discloses the bias of the spring (84) allows the blade to pivot against the bias of the spring when the bottom of the blade becomes loaded with granular material being pushed by the blade to thereby cause the blade to automatically become more inclined relative to the granular material to lessen the grading effectiveness of the blade without changing the vertical position of the blade, as is inherent in the properties of springs.

Regarding claim 13, Godbersen discloses the attachment (Fig. 4) being pivotally carried on the frame (column 5 lines 12-17).

Regarding claim 14, Godbersen discloses the attachment is coupled to the frame through a pivotal four bar linkage (29, 31, 32, 33).

Regarding claim 17, Godbersen discloses the attachment is a quick attachment having male and female couplers (Fig. 4), one coupler (34) being attached to the frame and the other coupler (36) being attached to the implement.

Regarding claim 18, Godbersen discloses the couplers being A-shaped (Fig. 4).

Regarding claim 19, the limitations therein have been described above in the rejection of claims 12 and 1.

6. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Godbersen, US 5950735, in view of Smith, US 2228490, as applied to claim 1 above, and further in view of Stiller, US 6347671.

The combination discloses a grooming vehicle including a ground grooming implement comprising a blade. The combination fails to disclose having the implement comprise a blower.

Like the combination, Stiller discloses a grooming vehicle (102) including a ground grooming implement (122). Unlike the combination, Stiller discloses that the implement (122) could comprise a blower (abstract lines 20-23).

Given the suggestion in Stiller, it would have been obvious to replace the blade of the combination with a blower as taught in Stiller because blowers are commonly known in the art as grooming vehicle attachments.

7. Claims 26 is rejected under 35 U.S.C. 103(a) as being unpatentable over Godbersen, US 5950735, in view of Smith, US 2228490, as applied to claim 24 above, and further in view of Gail, US 3722915.

The combination discloses a grooming vehicle as described above regarding claim 24. The combination fails to disclose a ground grooming implement that is a rake.

Like the combination, Gail discloses a grooming vehicle, including a ground grooming implement. Unlike the combination, Gail discloses that the implement could be a rake (column 2 lines 26-30).

Given the suggestion in Gail, it would have been obvious to one of ordinary skill in the art to have the front or rear ground grooming implement of the combination be a rake because rakes are commonly known in the art as ground grooming implements.

Response to Arguments

8. Applicant's arguments with respect to claims 1-5, 7-14, and 17-26 have been considered but are moot in view of the new ground(s) of rejection.

Regarding the applicant's arguments that Curtis does not disclose springs that bias an implement in the manner described by newly amended claim 12, the examiner finds that such biasing abilities are inherent in the nature of springs. Curtis does refer to the springs 84 as being provided so as to absorb shocks should the blade encounter an obstacle; however, that does not mean that they serve only this purpose on the device of Curtis. The placement of the springs 84 is such that a blade will pivot against the bias of the springs should it become loaded with granular material at its bottom side.

Conclusion

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

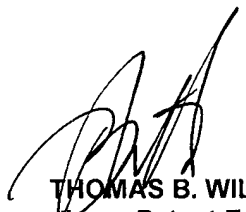
10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Toni Newville whose telephone number is (571) 272 - 1548. The examiner can normally be reached on Monday - Friday 8 am - 5 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas B. Will can be reached on (571) 272-6998. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Toni Newville
April 7, 2006



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